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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,218

11/12/2003

Keith Frank Best

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4107

909 7590 05/24/2007  
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EXAMINER

CHACKO DAVIS, DABORAH

ART UNIT

PAPER NUMBER

1756

MAIL DATE

DELIVERY MODE

05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/705,218	BEST ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daborah Chacko-Davis	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-6,8,10,13,15,17,19-27 is/are allowed.
- 6) ☒ Claim(s) 4,7,9,11,12,14,16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12, and 16, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, at line 2, recites the limitation "the structures". There is insufficient antecedent basis for this limitation in the claim.

Claim 16, at line 2, recites the limitation "the same apparatus". There is insufficient antecedent basis for this limitation in the claim.

Claim 16, at line 2, recites the limitation "the process layers". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4, 7, 9, 11, 14, and 18, are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,436,173 (Houston).

Houston, in the abstract, in col 3, lines 31-67, in col 4, lines 1-67, in col 5, lines 1-

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54, figures 1a through 1e, discloses a semiconductor device the semiconductor device formed by patterning a substrate (first substrate) on its first surface with alignment markers (trenches, reference 12), forming a protecting layer (insulating layer) over the alignment markers, bonding the substrate with alignment marks (first substrate) with another substrate (second substrate, using a front-backside alignment mechanism) and etching the insulating layer till the protective layer is exposed and forming trenches (references 18a, 18b, 18c) around the alignment markers, forming a patterned layer on the second surface of the first substrate (figure 1e) lithographically, and using the alignment marks to align the first alignment mark with that of the reverse alignment mark (mirror image of the alignment mark with reverse attributes) (claims 4, 7, 9, 11, 14, and 18).

Houston discloses the claimed device. The disclosed product (semiconductor device) of Houston and the instantly claimed product (device) appear to be essentially the same, comprised of the same components, i.e., a device with a first and second side and with alignment markers as recited. In the event any differences can be shown for the product of claims 4, 7, 9, 11, 14, and 18, as opposed to the product taught by Houston, such differences would have been obvious to one of ordinary skill in the art as a routine modification of the product in the absence of a showing of unexpected results.

***Allowable Subject Matter***

5. Claims 1-3, 5-6, 8, 10, 13, 15, 17, 19-27, are allowable over the prior art of record (U. S. Patent No. 5,436,173 (Houston), and U. S. Patent No. 6,180,498 (Geffken et al)). See Remarks, filed March 12, 2007, on page 7, lines 31-33, and on page 8, lines 1-13.

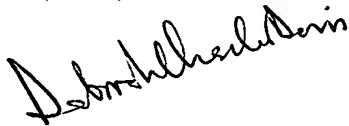
***Response to Arguments***

6. Applicant's arguments, see Remarks, filed March 12, 2007, with respect to the claims 1-3, 5-6, 8, 10, 13, 15, 17, 19-27, have been fully considered and are persuasive. The 102 and 103 rejections of claims 1-3, 5-6, 8, 10, 13, 15, 17, 19-27, have been withdrawn.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (571) 272-1380. The examiner can normally be reached on M-F 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dcd



May 22, 2007.